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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,371	12/29/2003	Lu Zhen	ARC-P133	8167
32566 7590 10/08/2008 PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134				
EXAMINER HUBER, JEREMIAH C				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/748,371

**Applicant(s)**

ZHEN ET AL.

**Examiner**

JEREMIAH C. HUBER

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5, 7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 9, 10, 12, 13, 15, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pyramidal Implementation of the Lucas Kanade Feature Tracker Description of the Algorithm (hereafter Bouguet) in view of Clayton (20040017507) and in further view of Motion Compensated Image Interpolation (hereafter Cafforio) and in further view of Aoki (5982440).

In regard to claim 1 Bouguet discloses a method including:  
generating first and second image pyramids comprised of a plurality of corresponding image levels of gradual resolution (Bouguet 2.1 note pg. 2 paragraph 3 note pyramidal

representations of images I and J are composed of gradual resolutions e.g. 640x480, 320x24, 160x120 etc.);

warping a first image level of a first image pyramid with a motion field (Bouguet 2.1 for image pyramid and 2.3 particularly pg. 5 note  $B_k$  new translated image); determining a residual motion field from the warped first level image of the first image pyramid and a corresponding first level image of the second image pyramid (Bouguet 2.3 particularly pg. 5 note residual  $v^k$ );

when an error value is not less than a threshold, adding the residual motion field to the motion field and repeating the above steps (Bouguet 2.3 particularly pg. 5 note eq. 31 adding residual motion  $v^k$  further computation continues until pixel is smaller than a threshold); and

when an error value less than the threshold performing the above steps using the second level image of the first and second image pyramids (Bouguet 2.2 particularly pg. 2 note results are propagated from deeper to upper levels).

It is noted that Bouguet discloses comparing a pixel error to a threshold rather than a residual motion vector. However, Clayton discloses a motion compensation method wherein a residual motion is compared to a threshold as a test to stop an iterative process (Clayton par. 130 note iteration causes a change in motion vector to be less than a threshold). It is therefore considered obvious that one of ordinary skill in the art would recognize the advantage of include a residual motion vector threshold as taught by Clayton in the invention of Bouguet in order to reduce computation time incurred by computing pixel errors.

It is further noted that neither Bouguet nor Clayton disclose generation of an intermediate image on a pixel by pixel basis. However, Cafforio discloses a method for motion compensated interpolation in which an intermediate image is generated between first and second images on a pixel by pixel bases using a motion field (Cafforio Section IV note part A motion field estimated on a pixel by pixel basis and part B for two methods of generating an intermediate image also note Figs. 8-9). It is therefore considered obvious that one of ordinary skill in the art at the time of the invention would recognize the advantage of including intermediate image generation as taught by Cafforio in the invention of Bouguet in view of Clayton in order to interpolate missing images.

It is further noted that neither Bouget, Clayton, nor Cafforio disclose inserting generated intermediate images between original video images in order to increase the total number of images and produce a slow motion effect. However, at the time of the invention it was common and notoriously well known to insert generated intermediate images between original video images in order to produce a slow motion effect by increasing the number of frames as disclosed by Aoki (Aoki Figs. 3 and 4 and col. 4 lines 21-64 note Fig. 3 interpolated images are inserted between reproduced pictures to increase the total number of frames). It is therefore considered obvious that one of ordinary skill in the art would recognize the advantage of applying the invention of Bouget in view of Clayton and in further view of Cafforio to the application of slow motion video by as taught by Aoki in order to produce video with a smooth slow motion effect as suggested by Aoki (Aoki col. 4 lines 61-64).

In regard to claim 7 refer to the statements made in the rejection of claim 1 above. Cafforio further discloses selecting first and second pixels paired by a motion vector and determining a position of a pixel in the intermediate image on a recurring pixel by pixel basis (Cafforio sect. IV B note first method in first two paragraphs motion field is used to find corresponding pixels on a pixel by pixel basis and determine the position of the pixel in the intermediate frames using a fraction of displacement). It is noted that Cafforio does not explicitly state a value that is determined for the interpolated pixel. However, it is inherent to the function of generating frames for a value to be assigned to every frame pixel. Further, Cafforio implies that the value given to the interpolated pixel is the value of the first or second pixel (Cafforio Sect IV B paragraph 1 note position of the corresponding points in the missing frame).

In regard to claim 9 refer to the statements made in the rejection of claim 1 above. Bouguet further discloses:  
providing a first second image pyramids associated with first and second frames comprised of a plurality of corresponding image levels of gradual resolution (Bouguet 2.1 note pg. 2 paragraph 3 note pyramidal representations of images I and J are composed of gradual resolutions e.g. 640x480, 320x24, 160x120 etc.);  
computing a motion field comprising a plurality of motion vectors that respectively associate each pixel in the first image with a corresponding pixel in the second image, wherein the motion field is computed recursively through the image levels from a coarsest resolution to the finest (Bouguet 2.2 and 2.3 note 2.2 on pg. 2 feature tracking

establishes a displacement vector for each pixel, also note optical flow is computed from the deepest or coarsest level to the upper or finest levels)

In regard to claim 10 refer to the statements made in the rejection of claims 1 and 9 above. Bouguet further discloses performing a computation loop to derive a motion field based on for a current level based on a motion field of a coarser level wherein the previous motion field is initially assigned to the current motion field (Bouguet 2.2 and 2.3 note pg. 2 results are propagated to a next lower level as an initial guess).

In regard to claim 12 refer to the statements made in the rejection of claim 10 above. Bouguet further discloses that the motion field is obtained by applying the computation loop to the finest level (Bouguet 2.2 pg. 2 note optical flow is refined up to the level of the original image).

In regard to claims 13, 15, 16, 18 and 20 refer to the statements made in the rejection of claims 1, 7, 9, 10 and 12 above.

Claims 4, 14 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Bouguet in view of Clayton and further in view of Cafforio and The Laplacian Pyramid as a Compact Image Code (hereafter Burt) and in further view of Aoki.

In regard to claims 4, 14 and 17 refer to the statements made in the rejection of claims 1, 9 and 16 above. Bouguet further discloses filtering of images during generation (Bouguet 2.1 pg. 2). It is noted that neither Bouguet, Clayton nor Cafforio disclose generating Laplacian pyramids. However, at the time of the invention the use of Laplacian image pyramids was common and notoriously well known in the art as is

evidenced by Burt (Burt note Laplacian Pyramid pgs. 535-537). It is therefore considered obvious that one of ordinary skill in the art at the time of the invention would recognize the advantage of utilizing Laplacian Pyramids in the invention of Bouguet in view of Clayton and in further view of Cafforio and in further view of Aoki as was well known in the art in order to enhance image features as suggested by Burt (Burt pg. 535 col. 2).

Claims 5, 11 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Bouguet in view of Clayton and further in view of Cafforio and Determining Optical Flow (hereafter Horn).

In regard to claims 5, 11 and 19 refer to the statements made in the rejection of claims 1, 10 and 18 above. It is noted that neither Bouguet, Clayton nor Cafforio disclose use of a Horn and Schunk motion estimation algorithm. However, at the time of the invention use of the Horn and Schunk motion algorithm was common and notoriously well known in the art as is evidence by Horn (Horn pgs. 1-14 describe the Horn and Schunk algorithm). It is therefore considered obvious that one of ordinary skill in the art at the time of the invention would recognize the advantage of utilizing the Horn and Schunk algorithm in the invention of Bouguet in view of Clayton and in further view of Cafforio and in further view of Aoki in order to have a robust estimation of motion as suggested by Horn (Horn Abstract).



### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 4, 5, 7 and 9-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMIAH C. HUBER whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2621

/Jeremiah C Huber/

Examiner, Art Unit 2621

/Mehrdad Dastouri/

Supervisory Patent Examiner, Art Unit 2621